
NH REAL ESTATE COMMISSION NEWS

Spring

2002

BROKER AND SALESPERSON LICENSING FEES TO INCREASE EFFECTIVE JUNE 1, 2002

On January 15, 2002, the Commission held a Public Hearing on a proposed amendment to Administrative Rule Rea 301.02 Fees. After taking into consideration all public comments, oral and written, the Commission adopted the proposed rule amendment on April 16, 2002, which will go into effect on June 1, 2002.

This rule amendment increases the salesperson's license application fee and renewal fee from \$55 to \$65, and increases the broker's license application fee and renewal fee from \$75 to \$90. This increase was necessary to bring in the statutorily required revenue necessary to cover the Commission's operating expenses. The Commission has not had to increase the licensing fees for the past ten years.

The amendment also added a new fee to this rule. Rea 301.02 (j) allows licensees to submit a course, which is not approved by the New Hampshire Real Estate Commission, for consideration towards fulfilling their continuing education elective credits.

Continued on Page 2

NEW HAMPSHIRE REAL ESTATE COMMISSIONERS



Commissioner Slattery

Arthur Slattery was first appointed to the New Hampshire Real Estate Commission as a broker member by Governor Stephen Merrill on February 15, 1995 and re-appointed by Governor Jeanne Shaheen on September 15, 1999. Commissioner Slattery currently serves as the Chairman for the Commission. He resides in Amherst, New Hampshire. Mr. Slattery has been actively engaged in the real estate business for over twenty years specializing in the sale and leasing of commercial and industrial properties in Massachusetts and New Hampshire. Mr. Slattery has, in the past, held many positions within the real estate arena. He was President of both the New Hampshire Commercial Industrial Realtors and the New Hampshire Association of Realtors, while also serving as a national director. He is presently District Vice President and a member of the Executive Committee of the Association of Real Estate License Law Officials (ARELLO) and a qualified subject matter expert for a national real estate testing organization.

Continued on Page 9

INSIDE THIS ISSUE

2-3	Commission Rule Changes Continued
3	Changes to RSA 331-A/Commission Hours to Change
4-7	Commission Disciplinary Actions
8	60 Hour Commission Approved Broker Education
9	Commission Members Continued
10	Commission Meeting Approved for CE Elective Credit
11	Issuance of Secondary Broker License

COMMISSION ADMINISTRATIVE RULE CHANGES CONTINUED

Continued from Page 1

Each course submitted for consideration of continuing education elective credit, will require a fee of \$10. The Commission generally approves elective courses for no more than three hours each.

On February 8, 2001, the Commission held a Public Hearing on various proposed rules in Chapters Rea 100 Organizational Rules, Rea 200 Practice and Procedural Rules, Rea 300 Licensing Requirements, Rea 400 Continued Status, and Rea 700 Conduct of Licensees.

After taking into consideration all public comments, oral and written, the Commission adopted the following rules on June 21 2001, which went into effect on June 28, 2001.

Chapter Rea 100: Rea 101.01 Terms Used In Rules - The following two definitions were added to this rule: (1) "Commission" means "commission" as defined in RSA 331-A:2, IV and the term includes alternates appointed, pursuant to RSA 331-A; and (2) "Firm" means any sole proprietorship, partnership, association, corporation, limited liability company, or other business association engaged in the sale or lease of real estate or which employs licensees under this chapter. Chapter Rea 200: Rea 201.03(a) Notice - was amended to require the Commission to make notification of rulemaking hearings through the rulemaking register and by mail, commission newsletter or newspaper advertisement; Rea 205.03 Adjustment by Conciliation was

renumbered as Rea 204.06. This rule was amended to include the definition of "informal disposition" and the procedures of the Commission to resolve a complaint informally, without a hearing, pursuant to RSA 331-A:29 and RSA 541-A:31, V; Rea 205.04(c) Presiding Officer; Appointment; Authority - was amended to allow the presiding officer or upon motion by any party to suspend or waive any requirement or limitation imposed by RSA 331-A upon the notice to the person(s) affected, when the requirement or limitation appears to be lawful and promote fair, accurate and efficient resolution of issues pending before the Commission, rather than adhering to a particular rule or procedure; Rea 205.07 Prehearing Conference - was simply reworded to simplify the language of the existing rule; Rea 206.01 Orders - this rule was amended to include a list of mitigating and aggravating factors that the Commission may take into consideration when imposing a disciplinary action pursuant to RSA 331-A:28, I and II; Rea 301.01(c) (4) Application Form - this section of the rule was amended to reflect the legislative change to RSA 331-A:14 and administrative rule change Rea 401.01 (d), which requires only principal and managing brokers to supply the commission with a surety bond and that the dates of the bond shall run concurrently with the dates of licensure; Rea 301.03 Filing Requirements - to comply with the legislative changes to RSA 331-A:10, II, effective January 1, 2001, the commission added a new section to this rule, Rea 301.03 (h), which provides a list of approved study which can be applied towards the sixty hours of

required education for all broker candidates. Please refer to page 8 of this newsletter for a complete list of the approved study.; Rea 302.01 Programs of Study Accreditation and Re-accreditation - this rule applies to all schools and individual instructors who apply to the Commission for accreditation or re-accreditation. A new section has been added to this rule to require schools, individuals or corporations to apply for re-accreditation within one year from the date of original accreditation or re-accreditation; Rea 304.02 Reciprocity of Continuing Education - this rule was amended to refer to the correct administrative rule that specifies the continuing education requirements for reciprocity. However, due to the lack of statutory authority, the commission will no longer accept reciprocal continuing education credits. Only continuing education credit received through a NH Real Estate Commission accredited school, individual or corporation will be accepted; Rea 305.02 Firms, Partnerships, Associates, Corporations, and Limited Liability Companies - this rule was amended to clarify the requirement that all individuals, firms, partnerships, corporations or LLC's that request a license or license amendment which includes a trade name, partnership, corporate or company name on the face of the license, must submit which each original or renewal application, a certificate of filing as required by the Secretary of State; Rea 401.01 Renewals of License - was amended to remove sections (b) and (c) which specify continuing education

Continued on Page 3

COMMISSION ADMINISTRATIVE RULE CHANGES CONTINUED

Continued from Page 2

requirements for renewal of license. These sections were moved to the appropriate rule - Rea 403.01 Continuing Education Requirements. Section (d) of Rea 401.01 was removed from the rule. This section, in the past, allowed New Hampshire brokers and salespersons licensed in another state to seek a waiver of the 6 hour continuing education elective requirement based upon the completion of continuing education in the other state which they are licensed. The Commission can no longer accept reciprocal continuing education where the Commission lacks the statutory authority to do so. All licensees who are also licensed in another state will now be required to show proof of a New Hampshire approved 3 hour core course and 6 hours of New Hampshire approved elective courses. An up-to-date list of courses may be obtained on the Commission web site at www.state.nh.us/nhrec/licensing or call the Commission office to request a list at (603) 271-2701; Section (f) of Rea 401.01 was amended and is now section (d). This section was amended to reflect the legislative change to RSA 331-A:10 II, which requires only principal and managing brokers to supply the Commission with a surety bond which shall run concurrently with the dates of licensure. Associate brokers are not required to file a surety bond with the Commission; Rea 402 was reserved and Rea 402.01 Revocation of License was repealed; Rea 403.01 Continuing Education Requirements - sections (b) and (c) of Rea 401.01 were added to this rule and are now sections (a) and (b). Rea 403.01 originally referred to Rea

401.01 for continuing education requirements; Rea 404.01 Sign on Office - was amended to clarify how a business sign shall be displayed outside of a real estate office; Rea 404.05 Advertisements - sections (a) and (b) were both amended to include the statutory requirement of RSA 331-A:16 IV. Also section (a) was amended to specify that all advertisements shall clearly indicate that the advertisement is an advertisement of a broker; Rea 701.01 Agency and Non-Agency Disclosure. This rule was amended to require all independent agency and non-agency disclosure forms to comply with section (f) of this rule. A new section was added to the rule which requires disclosure of agency or non-agency relationship to the seller/landlord and buyer/tenant or seller/landlord's or buyer/tenant's agent at the earliest practical opportunity, but not later than the preparation of an offer to purchase or lease real estate in a transaction for other than a one to four family dwelling; Rea 701.02 Licensee's Duty to a Prospective Buyer was amended to include the word "lease" for clarification; Rea 702.01 Trust Accounts was amended simply for clarification of the rule. Both sections (a) and (b) were amended to reference the statutory authority - RSA 331-A:13. Section (b) was reworded to require the broker to make full accounting of monies deposited in the broker's escrow account or trust account to the signatories to the contract, rather than to his or her principal; Rea 702.02 Funds Received was amended to require an associate broker, as well as a salesperson, to immediately deliver all monies

received in connection with a real estate transaction; Rea 703.01 Cooperating Agreements. Sections of this rule were moved and renumbered simply to clarify the rule. For a complete copy of the text of the Commission Administrative Rules Rea 100-700, visit the Commission web site at www.state.nh.us/nhrec/adrules2 or call the Commission office at (603) 271-2701 to request a copy.

CHANGES TO THE LICENSING LAW RSA 331-A

During the 2001 Legislative Session through HB 493, the following addition was made to RSA 331-A:4. RSA 331-A:4 Exempted Class. IX. A unit owners' association that rents condominium and townhouse units for periods of 30 days or less for the exclusive benefit of the unit owners and the unit owners' association provided such rentals are managed through an on-site rental office that is operated and controlled exclusively by the unit owners' association. This law change went into effect on September 3, 2001.

COMMISSION BUSINESS HOURS TO CHANGE

The offices of the Real Estate Commission are currently open to the public from 8:00 a.m. to 4:30 p.m. Effective June 30, 2002, the Commission business hours will change to 8:00 a.m. to 4:00 p.m.

COMMISSION DISCIPLINARY ACTIONS

FILE NO. 3-5-98 ALLEN SCOTT & HELEN COLLIER VS. RONALD FARINA (THE PRUDENTIAL BROWN & TENT REALTORS).

After a hearing was conducted on the above complaint, the Commission members, present and voting, issued an Order on November 21, 2000. The Respondent, Ronald Farina was licensed at the time as a real estate salesperson and associated with the Prudential Brown & Tent Realtors. The Respondent was the listing agent. The Complainants were potential buyers. The Complainants were shown the property listed by the Respondent through a sub-agent. The sub-agent testified that he placed a call to the Respondent after showing the Complainants the property to inquire on questions the Complainants had on the property. The sub-agent obtained the information on his own, because the Respondent never returned his call. The sub-agent further testified that he called the Respondent to let him know that he had a written offer from the Complainants. When he did not receive a return call that evening, he personally delivered the Complainants' offer of \$145,000 to the Respondent. The Respondent testified that he was unaware of the Complainants' offer when he presented another offer on that same day for \$143,000. Both the sub-agent and the Complainants testified that they did not attempt to contact the seller because they did not want to bypass the listing agent. However, one of the Complainants did contact the seller three days later and the seller was not aware of their offer, and that the offer

was more than the offer that the seller accepted. The Respondent testified that he didn't present the offer to the seller because it was a backup offer. The Commission felt that both the listing agent and the sub-agent did not act aggressively to obtain the best offer for the seller. The Commission ruled that the Respondent violated RSA 331-A:25-b, for not presenting all offers in a timely manner. The Commission stated in their Order to the Respondent to consider the Order as a warning in the future to present all offers to the seller, even if the property is subject to a contract of sale, and any future violations of this statute could result in severe disciplinary action.

FILE NO. 7-1-99 ANN MARIE GOBIEL & ROBERT GOBIEL VS STEVEN P. LANDRIGAN (STATE PARK REALTY). After a hearing was conducted by the Commission members, present and voting, an Order was issued on November 21, 2000. The Respondent, Steven P. Landrigan was issued a salesperson's license in July 1977, and was licensed as a real estate broker in February 1979, and was the principal broker for State Park Realty at the time of the alleged violations. The Complainants in this case failed to appear at the hearing. The Commission was notified of their failure to appear after the scheduled time of the hearing by the Complainant's attorney by Fax. The attorney requested the Commission to go forth with the hearing based on the evidence supplied to the Commission and to render a decision. The Commission and the Respondent agreed to proceed with the hearing based on the case file submitted. The Complainants listed their property with a

listing agent from State Park Realty. The Respondent was handling the listing while the listing agent was out of state. The Respondent drew up a Sales Agreement and Deposit Receipt. Respondent testified that he made an error when he drew up the Sales Agreement and Deposit Receipt, because he failed to date when a second deposit would be received. The Respondent also testified that when the mortgage company called to verify the amount of the deposit he was holding, he did not have the documentation in front of him. The statement that he gave to the mortgage company indicated that State Park Realty had a total of \$8,500.00, when in fact he only had the initial \$850.00. Based on the complaint file and response, and Respondent's own testimony, Respondent did misrepresent the amount of deposit monies in his escrow account and failed to notify the Complainants that the amount he held was not as indicated on the Sales Agreement and Deposit Receipt. Therefore, the Commission ruled that the Respondent did violate RSA 331-A:26, IV and XXVIII. The Commission ordered the Respondent to show proof of completion of nine hours of New Hampshire Real Estate Commission approved continuing education courses that relate to the subject of escrow accounts and deposits within one year of the date of the Order. The courses are in addition to the Respondent's continuing education requirements required for renewal of license.

FILE NO. 5-4-99 KIM SURLES VS SUSAN E. TIERNEY (RD POWERS & ASSOCIATES). After a hearing was conducted by the Commission members, present and voting, an Order was issued on November 21, 2000. The Respondent Susan E. Tierney, was issued a salesperson

Continued on Page 5

COMMISSION DISCIPLINARY ACTIONS

Continued from Page 4

license in April 1997, and associated with RD Powers & Associates, Inc., and was so licensed at the time of the alleged violations. The Complainants entered into an Exclusive Buyer Agency Agreement with the Respondent, as their buyer agent. The Exclusive Buyer Agency Agreement did not specify any location or price range of the real estate sought. It only indicated "antique or reproduction cape with 5+/- acres." The Agreement did not state the professional fee as a dollar amount, percentage or other specific consideration, or the method of payment. It only stated "commission to be split with selling agent." The Agreement that the Respondent entered into with the Complainants was defective, where it did not include the required locations and price range of the real estate sought, nor did it include the professional fee as a dollar amount, percentage, or other specific consideration, or the method of payment. Therefore, the Commission ruled that the Respondent violated Rea 404.04. The Commission also found that the Respondent violated RSA 331-A:26, XIII, where the Respondent sued her client for an undisclosed 4% commission. The Commission also found the Respondent in violation of RSA 331-A:26, XXXI. The Commission ordered the Respondent to show proof of completion of nine hours of Commission approved continuing education elective courses on the subject of agency and buyer agency within one year from the date of the Order, and pay a disciplinary fine of \$500.00 within six

months from the date of the Order.

FILE NO. 5-3-00 SHARON & GLEN UNDERWOOD VS PATRICIA DUQUETTE (PATTY SELLS REALTY). After a hearing was conducted by the Commission members, present and voting, an Order was issued on January 16, 2001. The Respondent was licensed as a real estate salesperson in July 1986, and licensed as a real estate broker in May 1999, and was so licensed as the principal broker for Patty Sells Realty at the time of the alleged violations. The Respondent listed her own property for sale. The Complainants purchased the property from the Respondent. Shortly after the Complainants purchased the property, they had the gas company come to turn on the gas fireplace insert unit. The Complainants testified that the gas company serviceman found a plumber's business card with a warning on it that the valve to the unit was broken and not to turn it on. The Respondent testified that she was aware that the plumber left a note on his business card behind the front panel of the unit for the benefit of the new owner, and she was not trying to hide anything. Respondent further testified that the last time she used the unit it was working properly, and the reason she had the plumber come to the property was to turn the gas off in the entire house because it was vacant. In a letter from the plumber, he indicated that the Respondent did not have him turn off the gas in the house, but had him turn off the gas to the

fireplace insert. Respondent testified that she did not consider the gas fireplace insert as part of the sale, and the only reason she left it was because she had no need for it. The Complainants testified that they were very interested in the gas insert, rather than the traditional fireplace, when they made the offer on the property, because of the Complainant's asthma. The Complainants further testified that they considered the gas fireplace insert as part of the house, because the fireplace could not be used without it, unless extensive plumbing was done to remove the gas line from the chimney. The Seller's Property Disclosure Form filled out by the Respondent did not indicate any problems with the fireplace insert. After taking into consideration all testimony and evidence, the Commission found that the Respondent violated RSA 331-A:26 V and ordered the Respondent to show proof of completion of a New Hampshire Real Estate Commission accredited 40 hour pre-licensing course and to pay a disciplinary fine in the amount of \$500.00 within 3 months of the date of the Order.

FILE NO. 1-2-00 ALFRED J. LANDANO VS KAREN PELLEGRINO. After a hearing was conducted on the above complaint, the Commission members, present and voting, issued an Order on January 16, 2001. The Respondent was licensed as a salesperson in October 1984 and as a real estate broker in January 1990, and was so licensed and associated with Valley Vacations Real Estate at the time of the alleged violations. Respondent listed property with Valley Vacations as the listing agency, and Respondent was the listing agent. Respondent presented \$5,500.00 in escrow funds made payable to Valley

Continued on Page 6

COMMISSION DISCIPLINARY ACTIONS

Continued from Page 5

Vacations Real Estate per the Sales Agreement and Deposit Receipt for the sale of the property. Respondent requested that Valley Vacations Real Estate transfer the escrow funds in the amount of \$5,500.00 to a title company that was the closing agent for the sale of the property. Respondent testified that since she was involved with this transaction prior to her association with Valley Vacations Real Estate, her unwritten agreement with Valley Vacations Real Estate allowed her to get paid directly for the transaction without going through Valley Vacations, and therefore she directed the title company to pay her commission to her directly. The Complainant testified that since the listing, Sales Agreement and Deposit Receipt, escrow deposit, closing and indeed the liability, all went through Valley Vacations, the Respondent should have been paid through Valley Vacations rather than the Respondent directing the title company to pay her directly. Based on the findings of fact, the Commission issued the following rulings of law: If the Respondent felt that this transaction was separate and apart from her association with Valley Vacations Real Estate, she should have listed it through her own broker's license. By directing the commission to be paid to her directly, the Respondent placed her client, the seller, in a potentially liable situation. Therefore, the Commission ruled that the Respondent did violate RSA 331-A:26 VII, XIII, XX, XXVIII, XXIX, and XXXVI. The Commission ordered the Respondent's real estate broker license be suspended until Respondent showed proof of attendance at a New Hampshire

Real Estate Commission accredited 40 hour pre-licensing course. The Commission further ordered the Respondent to pay a disciplinary fine to the State of New Hampshire in the amount of \$1,500.00. The Respondent was ordered to surrender her license to the Commission within 30 days of the Order.

FILE NO. 1-5-00 LOIS EKDAHL VS ROGER S. BISSONETTE. The Commission entered into a Settlement Agreement with the Respondent on January 16, 2001. The Respondent was licensed as a real estate broker at the time of the allegations. On April 6, 1999, Respondent signed an exclusive listing agreement with the Complainant to sell a parcel of land owned by the Complainant. On April 23, 1999, a Sales Agreement and Deposit Receipt was agreed to in writing by the Complainant (the seller) and the buyer, and that transfer of title would occur on or before July 15, 1999. In mid-June, the buyer requested an extension to the closing date. Respondent admitted in his response that he made a verbal representation to the buyer's agent, approving an extension of the closing date, without conveying to the Complainant in writing the request for extension. The Respondent changed the conditions of a sales contract without the knowledge and consent of the Complainant, and therefore was in violation of RSA 331-A:26, V. The Respondent was to complete and show proof of full attendance at a New Hampshire Real Estate Commission approved pre-licensing course to the

Commission within 6 months of the date of execution of the agreement.

The Commission conducted a hearing on the following two complaint files: File No. 1-3-00 Craig Smetana vs David P. Leary and File No. 2-4-00 NH Real Estate Commission vs David P. Leary.

FILE NO. 1-3-00 CRAIG SMETANA VS DAVID P. LEARY. After a hearing was conducted on the above complaint, the Commission members, present and voting issued an Order on March 26, 2001. The Respondent was licensed as a real estate salesperson on November 1997 and associated with Norwood Real Estate at the time of the allegations. The Complainants presented an offer on property, through a buyer agent, in which the Respondent was the listing agent. The offer was for \$3,000.00 more than the asking price. The Complainant testified that he and his wife contacted the seller directly because the Respondent's vagueness concerned them that the Respondent was not going to present their offer. The seller had indicated to them that she had never been presented with the Complainants offer. The Commission found the Respondent to have violated RSA 331-A:25-b.

FILE NO. 2-4-00 NH REAL ESTATE COMMISSION VS DAVID P. LEARY. After a hearing was conducted, the Commission members, present and voting issued an Order on March 26, 2001. The Respondent was licensed as a

Continued on Page 7

COMMISSION DISCIPLINARY ACTIONS

Continued from Page 6

salesperson and associated with Norwood Real Estate at the time of the alleged violations. On January 27, 2000, the Respondent was terminated by his broker at Norwood Real Estate for allegedly forging a seller client's signature on a release from a Sales Agreement and Deposit Receipt and then mailing the forged document to the Norwood Real Estate corporate office in order to obtain a release of escrow funds totaling \$6,000.00, and upon receiving the funds turning them over to the buyer customers without the seller client's knowledge or permission. The Respondent admitted to the allegations in his response to the complaint. Based on the foregoing findings of fact of both File No. 1-3-00 and 2-4-00, the Commission revoked the Respondent's salesperson's license.

FILE NO. 12-4-98 LAWRENCE WHITE VS RICHARD N. DANAIS (DANAIS REALTY GROUP). After a hearing was conducted on the above complaint, the Commission members, present and voting, issued an Order on October 23, 2001. The Respondent was licensed as a real estate broker in February 1976, and was so licensed as the broker of record for Danais Realty Group at the time of the alleged violations. The Complainant was also a licensed real estate broker and was not a party to the transaction that was the subject of the complaint. The Complainant brought the complaint as a citizen to ensure the Respondent obeyed the laws of the State of New Hampshire. The Complainant alleged that the Respondent paid a real estate

broker, David Boutin, who was under his employ, a \$4,000.00 fee after Mr. Boutin's license expired. The Complainant also alleged that the Respondent represented that Mr. Boutin was a partner at Danais Realty Group after Mr. Boutin was no longer employed with the firm. Another broker, Richard Mulvee, who was a broker participant to the transaction, testified that the Mr. Boutin's activities were not part of the transaction or the assignment that led to the closing. A dispute over the commission between Mr. Mulvee and Danais Realty Group regarding the transaction was arbitrated by Carl Norwood. The Respondent testified that after arbitration of the dispute, Mr. Norwood ruled that Danais Realty Group was due \$7,000.00 of a \$25,000.00 commission. Danais Realty Group paid \$4,000.00 of the commission to Mr. Boutin for his activities as a procuring agent. Respondent also testified that he received a legal opinion from an attorney prior to paying the commission to Mr. Boutin. A letter was received by the Real Estate Commission from Mr. Norwood, stating that he had arbitrated the matter between Mr. Mulvee and Danais Realty Group and that an amicable settlement was reached between the parties. The Complainant submitted exhibits that displayed Mr. Boutin's name on a Danais Realty Group Internet web site and a Danais Realty facsimile transmittal sheet. Both were dated after Mr. Boutin's license had expired and complainant alleged that the exhibits showed that the

RENEWING YOUR REAL ESTATE LICENSE ON THE WEB

Currently, the Commission is working with a consultant to make it possible for all brokers and salespersons to be able to renew their licenses through the Internet. This online system is expected to be completed some time this fall or sooner. Before renewing your license through the mail, check the following web site to see if it is possible to renew online.

<http://www.nhlicenses.com>

Once this project is under way, the Commission will send further details on the online renewal procedure, along with the renewal applications.

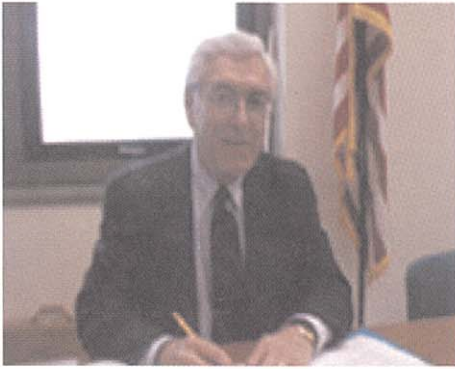
Respondent allowed Mr. Boutin to continue unlicensed real estate activity at Danais Realty Group. Respondent testified that the Danais Realty Internet document submitted as an Exhibit was outdated because, at the time, they utilized a third party vendor to maintain the web site. The information inadvertently was not removed from their advertising listing of employees. Also, the web site did not advertise Mr. Boutin as a broker. Respondent further testified that the agency currently maintains its own web site. The source of the facsimile transmittal sheet was disputed. The date on the transmittal sheet was inconsistent with the address printed on the sheet. The company's address printed on the transmittal sheet

Continued on Page 11

60 HOUR BROKER EDUCATION REQUIREMENT

Effective January 1, 2001, all candidates for the real estate broker's examination must show proof of completion of 60 hours of Commission approved study prior to the date of examination, pursuant to RSA 331-A:10, II and Rea 301.03(h) and (i), consisting of the following:

- (1) One of the following degrees:
 - a. A juris doctor degree from an accredited law school; or
 - b. A masters degree in business administration from an accredited college, university or institute of higher learning;
- (2) One of the following degrees within 10 years prior to the date of examination:
 - a. A bachelor's degree with a major in real estate from an accredited college, university or institute of higher learning; or
 - b. A bachelor's degree from an accredited college, university or institute of higher learning, having completed coursework equivalent to a major in real estate;
- (3) An associate degree in real estate from an accredited institution within 5 years prior to the date of examination;
- (4) Successful completion of the education requirements and receipt of the designation for at least one of the following within 5 years prior to the date of examination:
 - a. Accredited Buyer Representative Manager (ABRM);
 - b. Certified Commercial Investment Member (CCIM);
 - c. Certified Real Estate Brokerage Manager (CRB);
 - d. Certified Residential Specialist (CRS);
 - e. Counselor of Real Estate (CRE);
 - f. Graduate, Realtor Institute (GRI); and
 - g. Society of Industrial and Office Realtors (SIOR).
- (i) The following items may be applied towards the 60 hours of approved study:
 - (1) Real estate continuing education courses previously approved by the New Hampshire real estate commission for credit that have been successfully completed within 24 months prior to the date of examination;
 - (2) Evidence of successfully completing an accredited 40 hour New Hampshire pre-licensing course with full attendance within 5 years prior to the date of examination; and
 - (3) Real estate related credit courses successfully completed within the past 10 years at an accredited college, university or institute of higher learning, and evidenced by a transcript, may be submitted to the commission for approval, including courses with topics, such as, but not limited to:
 - a. Accounting;
 - b. Management;
 - c. Real estate law;
 - d. Finance;
 - e. Real estate investment;
 - f. Appraisal courses; and
 - g. Paralegal courses.
- (j) Each hour of the courses outlined in (i)(1) and (2) above, shall count towards one hour of credit toward the required 60 hours. All 3 credit or more courses submitted for approval under (i)(3) shall receive 12 credit hours.
- (k) Schools or individuals may seek accreditation of education not included in (i)(1) through (3) above by submitting the course content outline, course materials, course hours, and certificate of completion to the New Hampshire real estate commission.
- (l) Examination candidates shall not send the application for license and license fee to the real estate commission until after they have received notification that they passed both the uniform and state portions of the written examination, or passed the state portion for reciprocal non-resident licensees.



Commissioner Smith

Attorney Martin F. Smith, Jr. was appointed to the Commission on October 18, 2000, as the attorney member. He resides in Dover, New Hampshire. Commissioner Smith received his Juris Doctor degree from Franklin Pierce Law Center in 1992. He is a member of the New Hampshire and Rockingham County Bar Associations. He was admitted to the New Hampshire Bar in 1992, and to the US District Court, District of New Hampshire, in 1992. He was formerly General Manager of the New England Real Estate and Buildings Office for the U.S. Postal Service, Chief of the Leasing Branch for the U.S. Army Corps of Engineers, Chief of the Economic Development Division for the U.S. Small Business Administration, Coordinator of Federal Funds for the State of New Hampshire Attorney General's Office, and the Administrative Aide to U.S. Senator Thomas J. McIntyre. Commissioner Smith was a member of the Dover Planning Board. He formerly chaired the Commercial Investment Committee of the Strafford County Board of Realtors, and was a member of its Legislative Affairs Committee. He was a director of the New Hampshire Society of Real Estate Appraisers.



Commissioner Heath

Barbara Heath was appointed to the Commission on March 22, 2000 as the salesperson member. She currently resides in Hampton, New Hampshire and is with Coldwell Banker Hunneman in Portsmouth, New Hampshire. Commissioner Heath is a 27 year member of the National Association of Realtors. She was awarded the following National Designations: GRI in 1978; CRS in 1982; and CRB in 1986. Commissioner Heath is a member of the Seacoast Board of Realtors, and was the Secretary for the Board from 1991 to 1993, and the Vice-President in 1994. She is currently on the Professional Standards Committee and the Financial Committee. She received the "Distinguished Service Award" from the Seacoast Board of Realtors in 1996. She served as the New Hampshire State Director Alternate in 1994 and the New Hampshire State Chairman of Grievance Committee in 1991. Commissioner Heath has been named as the 2001 Vice President of Coldwell Banker Hunneman. She attended the 2002 Cyberspace Convention and received the National Designation of RECS (Real Estate Cyberspace Specialist).



Commissioner Ikawa

Pauline Ikawa was appointed to the Commission on May 9, 2001 as the public member of the Commission. She currently resides in Manchester, New Hampshire. She has been employed by

the Bank of New Hampshire, Division of Bank North, N.A. for 13 years. For the first 11 years with the Bank of New Hampshire, she worked in the Consumer Compliance Division. Commissioner Ikawa is currently the Vice President of Community Development. Ms. Ikawa also serves on the Board of Directors of Consumer Credit Counseling Services of New Hampshire and Vermont, the Board of Neighborhood Housing Services of Nashua, as well as the Credit Committee for Manchester Neighborhood Housing Services.



Commissioner LeRoy

Nancy G. LeRoy was appointed to the Commission on July 5, 2001, as a broker member. Commissioner LeRoy currently resides in Laconia, New Hampshire. She has been in real estate since 1980, and is currently associated with DeWolfe of Laconia. She was the owner/broker of Old Mill Properties in Meredith, New Hampshire for several years. Commissioner LeRoy is currently a member of the National Association of Realtors, and was the Region One Vice President for New England in 2000. She also served on a number of committees for the Association. Commissioner LeRoy is also a member of the New Hampshire Association of Realtors. She was the 1997 President of the State Association, the 1996 President Elect, the State Realtor of the Year in 1993, and has served on a number of committees and task forces.

Commissioner LeRoy served as the Chairman on the Board of Directors for the Lakes Region Board of Realtors. She also serves on the Professional Standards Committee and other committees. She was the President of the Board in 1991, Realtor of the Year in 1985 and 1993, Chairman of the Professional Standards Committee since 1991 and has served on several other committees. She was the President for the Northern New England Real Estate Network in 2001. Outside of the real estate profession, Commissioner LeRoy serves on several committees within her community.

N.H.R.E.C. COMMISSION MEETINGS

Just a reminder that all Real Estate Commission meetings are open to the public and may be eligible for continuing education credit. Should you plan to attend any of the meetings, please call the Commission office in advance at (603) 271-2748, so that we may arrange seating for all attendees. All meetings are held at the Commission office located at the State House Annex, 25 Capitol Street, Room 425, Concord, NH and begin at 9:00 a.m.

TENTATIVE COMMISSION MEETING SCHEDULE:

JUNE 25, 2002
JULY 16, 2002
AUGUST 20, 2002
SEPTEMBER 17, 2002
OCTOBER 15, 2002
NOVEMBER 19, 2002
DECEMBER 17, 2002

Due to scheduling conflicts, these dates may change. Please contact the Commission office to confirm these dates, should you plan to attend.

NEW HAMPSHIRE REAL ESTATE COMMISSION EXAMINATION SCHEDULE FOR 2000-2001

The following is a list of examination dates and deadline dates for submission of registrations to the Commission for calendar year 2002:

DEADLINE DATE	EXAMINATION DATE
APRIL 24, 2002	MAY 18, 2002
JUNE 26, 2002	JULY 20, 2002
AUGUST 28, 2002	SEPTEMBER 21, 2002
OCTOBER 23, 2002	NOVEMBER 16, 2002

Applicants for Broker's Examination: Effective January 1, 2001, all applicants for a broker's license are required to show proof of 60 hours of Commission approved education. Please refer to page 8 of this newsletter for the list of approved education.

COMMISSION APPROVES THE COMMISSION MEETING AS ELECTIVE CREDIT

The Commission, at its May 2002 meeting, decided that the New Hampshire Real Estate Commission meetings can be attended by licensees for continuing education elective credit. In order to attend one of the meetings and receive continuing education credit, you must first contact the Administrative Assistant Marilyn Priest to make an appointment. The Commission agreed that credit would only be given if there is a hearing conducted the day of the Commission meeting. Should a hearing be cancelled the Administrative Assistant will contact the licensee to reschedule the appointment. Each attendee must arrive at the start of the meeting. All Commission meetings begin at 9:00 a.m. The licensee will receive credit for the amount of hours the meeting is in session, but not to exceed 3 hours. Should you wish to set up an appointment to attend a meeting for continuing education credit, please contact Marilyn Priest at (603) 271-2748.

COMMISSION MEMBERS

Arthur H. Slattery, Chairperson, Broker Member
Martin F. Smith, Jr., Attorney Member
Barbara H. Heath, Salesperson Member
Pauline A. Ikawa, Public Member
Nancy G. LeRoy, Broker Member

OFFICE ADMINISTRATION

Beth A. Emmons, Executive Director
Ann T. Flanagan, Investigator
Marilyn C. Priest, Administrative Assistant
Frances M. West, Education Program Assistant
Thomas J. Heath, Account Technician
Cynthia F. Patten, Executive Secretary
Barbara A. Tasker, Licensing Coordinator
Laurel W. Untiet, Counter Clerk II
Mary H. Lull, Counter Clerk II

ATTENTION REAL ESTATE BROKERS

All real estate brokers who wish to be affiliated with a real estate brokerage firm or an individual principal broker, but also wish to conduct business as an individual under their own broker's license and/or tradename will be required to apply for two individual broker licenses. This requires two separate applications and broker license fees. Should you require an additional application for a secondary license, please contact the real estate commission office at (603) 271-2702.

NOTIFICATION OF ADDRESS CHANGE

The Commission office has a high number of renewal applications returned by the US Postal Service each month due to incorrect mailing addresses. According to Rea 404.02, all licensee are required to notify the Commission in writing of any change in the following within 10 days of the change: resident physical address, resident mailing address, business address, legal name, trade names and principal broker.

Should you fail to keep the Commission up-to-date on your current address, you may not receive your notice of renewal and may cause your license to lapse.

To properly make any of the above changes, you must complete and submit an Amendment Form (Form 5RE) to the Commission office, along with a \$15 amendment fee. An amendment fee is only required when the change that is being made requires a new license to be issued.

To obtain a copy of an Amendment Form, you can visit the Commission's web site and download the form, or call the Commission office at (603) 271-2701.

Disciplinary Actions Continued from Page 7

had changed approximately ten years prior to the date on the transmittal sheet. There had also been a second change of address before the date on the transmittal. Based on the foregoing findings of fact, the Commission issued the following rulings of law: There was insufficient testimony and evidence presented to demonstrate that Mr. Boutin was paid for real estate activities performed after the expiration of his license. Due to a lack of evidence and testimony that demonstrated that the Respondent paid Mr. Boutin a fee for real estate activities that occurred after Mr. Boutin's license expired, the Commission ruled that Respondent did not violate RSA 331-A:26, XXIV. Due to a lack of evidence that demonstrated that the Respondent had actively advertised that Mr. Boutin was a broker for Danais Realty Group after Mr. Boutin's license had expired, the Commission ruled that Respondent did not violate RSA 331-A:26, VI.

FILE NO. 2000-09-02 JEFFREY P. BRYAN VS CLEMENT ST. HILAIRE. After a hearing was conducted, the Commission members, present and voting issued an Order on October 23, 2001. However, upon issuance of the Order the Respondent appealed the decision of the Commission before the Merrimack County Superior Court. This case is currently under appeal.